

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*,¹

Debtors.

GEORGE MILLER, Chapter 7 Trustee of the
bankruptcy estates of Akorn Holding Company
LLC, *et al.*,

Plaintiff,

v.

CENCORA, INC. f/k/a
AMERISOURCEBERGEN DRUG
CORPORATION,² MWI VETERINARY
SUPPLY CO.,

Defendants.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

Adv. Proc. No. 24-50043 (KBO)

DEFENDANTS' MOTION TO DISMISS COMPLAINT

AmerisourceBergen Drug Corporation (“ABDC”) and MWI Veterinary Supply Co. (“MWI,” and, together with ABDC, “Defendants”), by and through their undersigned counsel, hereby move to dismiss (“Motion”) the fifth and sixth counts of the Complaint filed by George L. Miller (“Plaintiff” or “Trustee”), as the duly appointed Chapter 7 Trustee of the bankruptcy estates of Akorn Holding Company LLC, Akorn Intermediate Company LLC and Akorn Operating Company LLC (collectively, “Debtors”). In support thereof, Defendants rely on their Memorandum in Support of Defendants’ Motion to Dismiss (“Memorandum of Law”).

¹ The Debtors in these Chapter 7 Cases, along with the last four digits of each Debtor’s federal tax identification number, are: Akorn Holding Company LLC (9190); Akorn Intermediate Company LLC (6123) and Akorn Operating Company LLC (6184). The Debtors’ headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

² The case caption incorrectly refers to AmerisourceBergen Drug Corporation as Cencora, Inc. f/k/a AmerisourceBergen Drug Corporation.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, Defendants respectfully request that this Court issue an Order granting the Motion, dismissing counts five (5) and six (6) of the Complaint with prejudice, and granting such other relief this Court deems just and proper.

Dated: November 15, 2024
Wilmington, Delaware

/s/ Michael W. Yurkewicz

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